

**MINUTES
DISTRICT ADVISORY BOARD
DISTRICT IV**

August 2, 2000

7:00 p.m.

Stanley/Aley Community School Center, 1749 South Martinson

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Members Present

Council Member Bill Gale
Chris Carraher
Iola Crandall
Bonny Johnson-Patrick
Tom Kessler
Edwin Koon
Jerry McGinty
Paul Ward
Wayne Wells
Bea Vickers

Members Absent

June Bailey
Dorman Blake

Guests

Joe Walker	Aimee Franklin
Beverly Whitley	Carol Ebdon
Rose Marie Dater	Anthony Bamberger
Cathy Simon	Sgt. Wiley
Ken North	Glenda Peterson
Nile Dillmore	Larry Peterson
Jamsheed Mehta	Chris Carrier

ORDER of BUSINESS

At 7:03 p.m. **Council Member Bill Gale** called the meeting to order, welcomed guests, and highlighted the intent and purpose of the District Advisory Boards.

Gale asked for modifications to July 19, 2000 minutes other than **Jerry McGinty's** notification, prior to the meeting, correcting a misidentified second to a motion on page eight, paragraph seven, to read **Paul Ward (McGinty)**... in place of **Paul Ward (Blake)**.... No others were received **Chris Carraher (Ward)** moved to accept the minutes as amended. 11-0

Gale moved to add item ten, to discuss CON2000-00026 to the Neighborhood Agenda. . **McGinty (Johnson-Patrick)** moved to accept the agenda as amended.11-0

PUBLIC AGENDA

At this time the DAB will hear public comments regarding individual citizen comment on issues not on the agenda pertaining to the City of Wichita.

1. **A representative from WIN (Wichita Independent Neighborhoods)**

Nile Dillmore, a representative from WIN, spoke on the Alternative Correctional Housing issue.

See Attachment A.

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After presenting material in Attachment A, Mr. Nile Dillmore took questions from DAB members. **Ed Koon** expressed concern over allowing residents of such a facility as supervisors of fellow parolees and probationers. **Dillmore** responded “supervisory capacity” would provide opportunity for access to records, transportation, and other areas responsibility. Kansas Department of Corrections, KDC, has voiced similar concerns because the position would place certain individuals in a position of “power” over others who are to be of equal status.

Bonny Johnson-Patrick inquired on the existing ordinance’s history. **Dillmore** stated the current ordinance was adopted three and one-half years ago and the standards were modified last year, in September 1999.

Paul Ward inquired on the duties to be performed by residents; **Dillmore** responded transportation, cooks, clerical record keeping, etc. Probation officers constantly communicate with the agency operating the alternative correctional housing facility resident access to records will lessen authority of court and state officials.

Chris Carraher asked if the situation could be equated to the “fox guarding the hen house” **Dillmore’s** response was “yes”.

Ward asked if state and/or local agencies as a result of the proposal would experience monetary/budgetary savings, **Dillmore** responded “No”. Residents pay their own way as they are charged room and board. The system operates as a placement agency for parolees, a private business pays the agency a negotiated figure (for purposes of explanation, the terms, amounts, and conditions are hypothetical) of \$8 per hour, while the resident is paid an hourly wage of \$6 per hour. The parolee must then pay a room and board fee to the agency as well. Clients are placed into such facilities as terms of probation or parole. Greater than sixty percent of admitees are prison parolees or probationers. Wichita has the highest number of parolee and probation placement in the state.

Johnson-Patrick asked if severity of crime is a consideration in placement within these homes. **Dillmore** responded any felon or criminal offense type might be placed in such an agency. **Dillmore** continued the question is should a particular resident have control, influence, or power over other residents/clients? He believes not and would like the DAB to recommend maintaining the current standard when this matter is addressed at the Wichita City Council’s second reading to reaffirm the purpose, function, composition, and responsibility of the current standard.

Council Member Bill Gale opened the floor to questions from the gallery.

Debra Whitley, 543 S. Gordon, stated she did not believe occupants of alternative correctional housing facilities should have power or influence over peers.

Gale asked for further questions, no response from the DAB or gallery was received and the matter was closed.

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Unfinished Business

1. **Fire Station Relocation Study**

*Discussion of the fire station relocation study as presented by **Ray Trail**, Director of Finance and **Mike Rudd**, Deputy Fire Chief of Operations, and its impact on Wichita City District IV.*

Council Member Bill Gale reviewed recent history of Dab actions on this matter and goal City's goal of providing optimal coverage for all citizens. **Gale** opened the matter for public comment.

Joe Walker, 206 N. Edwards, stated that he wrote a recent letter to the editor and doesn't want fire station four relocated. **Walker** stated the strengths of the Delano area.

Gale asked for board comment, none was received. **Gale** asked if **Mike Rudd**, Deputy Fire Chief of Operations, was willing to field questions from the DAB. **Rudd** commented he was more than happy to answer questions.

Gale stated that in a recent Wichita City Council workshop the issue was discussed and the proposed relocation of Station 13 was considered. The matter looked at relocating to the area of Kellogg and Meridian, instead of the proposed Kellogg and K-42 Highway. **Gale** asked **Rudd** on the status of this option. **Rudd** responded that currently station four is not large enough to house needed equipment and a new larger rescue apparatus is needed. The original plan as proposed by the consultant is evolving from concept to proposal, investigating and fine tuning all options to provide optimal service to as many citizens as possible. "A station in this area is a viable option", however the option may be limited to land availability. The Fire Department and the Finance Department are considering all viable options.

Rudd asked for other questions, none were received.

Discussion of the Proposed 2000-2001 Budget Document

*Discussion of the City's Proposed 2000-2001 Budget will be held to provide comment to the Wichita City Council before adoption. Adoption must occur before Tuesday, August 15, 2000. Proposed Budgets are available for public viewing on the internet at www.wichitagov.org in all Wichita Public Libraries and the Department of Finance, Office of Budget, 12th Floor, City Hall, Wichita, KS 67202. Public hearings before the **Wichita City Council** will be held August 8 and August 15, 2000.*

Council Member Gale opened the matter for discussion and public statements no comment was received. **Gale** commented that budget staff was available for comment in the future, if needed.

NEW BUSINESS

4. Backyard Drainage Policy

*Chris Carrier, Storm Water Engineering, will review policy set forth by the **Wichita City Council** that established requirements to ensure proper drainage prior to occupancy of structures.*

Council Member Gale introduced Chris Carrier, Storm Water Engineering, to explain the Council's recent action adopting a comprehensive backyard drainage plan.

Carrier thanked the Dab for the opportunity to explain the recent action. The majority of drainage complaints come from new development and is caused by poor backyard drainage. Problems stem from builders who construct walk-out/view-out basement foundations. The result is less slope for water run-off in the rear of the home, the problem is often compounded with actions of the homeowner.

Carrier continued the issue has evolved over time and every party involved wants a policy, the developers, builders, and homeowners. The Sedgwick County Commission adopted the same policy last week creating a common standard throughout the Wichita-Sedgwick County metropolitan area.

Carrier explained the process as highlighted in the handout, see Appendix B. The policy intent is when the foundation is poured, yard topography matches the drainage plan, and the inspector verifies the elevation grade any drainage problem that occur should be the result of the homeowner. The matter was not adopted as an ordinance because both governments are operating on the assumption that changes and fine-tuning will need to be made.

Council Member Gale asked for questions from the DAB.

Paul Ward asked when the policy was adopted, **Carrier** responded October 5, 2000 after a MAPC subcommittee meeting at which time the policy will apply to all new developments.

Chris Carraher commended the City, County, and builders for working together to create a workable plan.

Ward stated that South Seneca is presently being widened and wanted to know why no storm water additions are included in the plan. **Carrier** commented that when working on projects in existing areas it's often harder and more expensive to make such modifications. 18 million dollars is the "cheapest" of five current storm water projects in existing areas.

Brian Silcott, Neighborhood Assistant, commented on the issue being addressed at the recent informational meeting, where wider drains are being installed in the area of 30th Street South.

Ward wants to know why the issue is not of greater importance.

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Gale stated that perhaps the project engineer could address the DAB during the September 6, meeting.

5. Review Existing Fireworks Policy

A Fire Department representative will review existing and proposed fireworks policy.

Council Member Bill Gale re-introduced **Mike Rudd**, Deputy Fire Chief of Operations; to address the City of Wichita's fire works policy. **Rudd** reviewed the history of the ordinance and the number of incidents and citations form years past. Currently, fireworks must be shot off in the jurisdiction where they are purchased.

Ed Koon asked if legal or illegal fireworks **Rudd** responded that sparklers are the leading cause injuries but injuries increase in severity as a result of illegal fireworks cause injuries.

Chris Carraher inquired on the comparison of 1999 to 2000 figures. **Rudd** stated the numbers have increased but not significantly.

Wayne Wells asked if there was an explanation for why more illegal fireworks are being shot-off. **Rudd** response there is no official explanation for the apparent increase. **Wells** asked if the increase was citywide or localized and **Rudd's** response citywide but he cannot explain why.

Wells stated he is an advocate of reasonable fireworks usage however currently desires a total ban because citizenry is not acting in a responsible manner.

Bonny Johnson-Patrick inquired how Wichita's policy compared to other cities. **Rudd** responded a large number of cities parallel Wichita's policy. Sedgwick County doesn't allow fireworks either but most illegal fireworks are purchased outside of Sedgwick County.

Council Member Gale questioned the enforceability of any ordinance unless fireworks are banned all together. **Rudd** stated for the fire or police departments to act, generally the officer or firefighter must witness the discharge of illegal fireworks or observe a citizen possessing such times. A total ban would enable firefighters and police officers to enforce the ordinance when any firework is observed.

Jerry McGinty asked if a total ban was the proposal under consideration, **Gale** commented the purpose of this agenda item is to provide input.

Council Member Gale opened the matter for public discussion.

Joe Walker read from a recent newspaper article and stated his preference on a complete ban. **Walker** commented that he contacted the Wichita Police Department about the matter but state he refused to sign a complaint.

Beverly Whitley described her neighborhood as a war zone and favors a total ban.

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Ken North, 543 S. Gordon, favors a total ban but realizes this may not be possible, alternatively he proposed designated shooting areas throughout the city with supervision provided by Wichita Police Officers and Firefighters.

Tom Kessler supports this idea and would like to place a neighborhood ban with designated shooting areas, in places such as city parks.

Paul Ward stated Memphis Tennessee has a total ban on all fireworks.

Ed Koon believes passing a more stringent ordinance will not solve the problem, as current ordinances are not being enforced. The issue is enforcement.

Whitley stated that under the current ordinance it places neighbors in a catch 22, put up with the fireworks or fear retribution from neighbors.

Kessler inquired if the 138 complaints were citizen “signed” complaints or merely complaint calls to which officers were dispatched. **Rudd** stated these were calls where police officers were dispatched. WPD wrote two fireworks citations this year but WFD’s seizure of fireworks was dramatically increased.

Bonny Johnson-Patrick inquired on the duration of the current shooting window. **Rudd** responded fireworks can only be purchased from July 1 through July 5, and must be shot in the jurisdiction of purchase and within the same time period.

Iola Crandall inquired if enforcement was restricted to a particular agency. **Rudd** commented the police and fire departments have enforcement authority but the problem rest with the citizens because citizens will not file formal complaints. **Rudd** stated WPD and WFD do not coordinate firework enforcement activities. **Crandall** followed up with the inquiry of why the departments do not cooperate. **Rudd** stated that police officers have “normal” calls in addition to firework complaints and the WFD had every fire staffed apparatus in the city performing enforcement activities. People shoot fireworks until they see the fire truck then stop shooting and run away, once the fire apparatus is gone the fireworks start again. **Rudd** likened enforcement to a dog chasing his own tail.

Wells likened the problem to speed limit enforcement, not enough personnel to enforce the law.

Glenda Peterson, 2902 S. Edwards, stated the police and fire departments are under staffed for this type of enforcement and citizens must take accountability and file a formal complaint against neighbors discharging illegal fireworks.

Council Member Gale closed the discussion. **Koon** asked to make a statement on the issue **Gale** agreed. **Koon** believes education might solve the issue, if current punitive measures are failing, positive measure may yield better results.

TRAFFIC AGENDA

6. Access Management Task Force

***Jamsheed Mehta**, Chief Transportation Planner, will present an overview of access management practice and update DAB IV on Task Force occurrences to date.*

Council Member Bill Gale introduced **Jamsheed Mehta** who thanked the DAB for the opportunity to address the access management issue. **Mehta** explained that access management is utilized to resolve the conflict between access and mobility. The conflict is most notable in the middle of principal arterial roadways (commercial area) and minor arterials. Freeways and cul-de-sacs rarely create such conflicts.

Mehta stated access management includes public right-of-way and private property improvements. Issues for public right-of-way include raised medians, signal spacing, locating new local and collector streets, and turning lanes. Private property improvements include spacing between driveways, separation between street intersection and driveways, shared driveways, cross-lot access, and limiting uses for traffic generation.

Mehta indicated possible solutions as being preventative and retrofitting. Retrofits include improving access standards on existing right-of-way and/or developments. Preventative measures address new standards for new developments and initial street improvements. Challenges to such proposals include citizen resistance to change and perceived short-term inconveniences with retrofitting.

Mehta explained the policy currently being utilized for transportation planning. The comprehensive transportation plan for 2030 1) discourages cut-through traffic on residential streets; 2) protects key transportation corridors from driveway encroachment; 3) includes landscaped medians for new arterials; 4) provides subdivision access with local or collector streets; and 5) develops a comprehensive policy on access management and driveway location.

Mehta reviewed the highlights of the 2020 Transportation Plan in the area of standards and land-use policies. Driveway policy will increase spacing; encouraging shared access, and restricting left turns. Arterial street policy provides landscaped medians instead of continuous left turn lanes and raised medians instead of rolled curbs at intersections. Current subdivision regulations place access point determination with MAPC staff, although shared access points is encouraged.

Mehta stated the funding source for current access management projects is from the General Fund and indicates that in the near future projects will be funded by private citizens/businesses once the traditional equity issue is resolved. As the policy now stands, access management practices are “guidelines” and reflect inconsistent application due to the lack of spacing policies. The current task force hopes to address such issues.

Mehta then opened the floor to questions from DAB members.

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Bonny Johnson-Patrick asked if signalization is used to control access. **Mehta** signals are used when appropriately warranted. **Johnson-Patrick** followed-up with an inquiry on mobility issues and **Mehta** responded traffic impact studies address any signalization issue.

Council Member Gale stated that **Ed Koon** is the DAB IV representative on the task force. **Gale** asked for more questions, none were received and the matter was closed.

7. DAB Ad Hoc Traffic Committee

June Bailey, Bonny Johnson-Patrick and Jerry McGinty will provide an update on the Tuesday, July 25, 2000, meeting.

Jerry McGinty reviewed the meeting held on Tuesday, July 25, which covered the accident reporting process and system of the Wichita Police Department.

Council Member Gale inquired on WPD's participation in the process and cooperation with the committee. **Gale** explained the recent action of the City Council and Law Department, which indicated the committee, was violating, of the adopted ordinance. The matter is scheduled to be addressed Tuesday, August 8, by the Wichita City Council. **Gale** invited any DAB members to attend and asked the participants to write a mission statement indicating which policy issues are being addressed, providing an argument for the committee's existence and desired accomplishments.

Bonny Johnson-Patrick stated that everyone is working toward a common goal and commended WPD's participation and support.

NEIGHBORHOOD AGENDA

8. Front Porch Project

*The Front Porch Project relates to citizens helping to stop child abuse. The program educates and informs citizens on "what to do" when they see/observe/suspect child abuse. Interested DAB members contact **Brian Silcott**, Neighborhood Assistant.*

Brian Silcott stated the purpose of identifying and reporting child abuse and asked for DAB volunteers who are willing to participate.

Bea Vickers indicated interest in learning more on the matter.

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9. CON2000-00026

The applicant Razook-Andeel Hi-way Partnership is requesting a conditional use for vehicle and equipment sales; outdoor on property zoned "LC" Limited Commercial. The property in question is generally located at the Southeast corner of 31st Street South and Meridian Street (2433 W. 31st Street South). The Metropolitan Area Planning Commission reviewed the request on Thursday, July 27, 2000, at 1:30 p.m. in the Planning Department Conference Room, 10th Floor, City Hall, 455 North Main, Wichita, KS 67202.

Council Member Bill Gale reviewed the DAB action on Wednesday, July 25 and that of the MAPC on Thursday, July 27, 2000. **Gale** stated that he has referred the matter to the Wichita City Council for consideration on Tuesday, August 22, 2000. **Gale** has spoken with the agent and shared the concerns of him and the neighborhood, which were voiced in the DAB Planning Memo routed to all MAPC members. The agent is willing to readdress the DAB or speak with the Neighborhood Association. **Gale** stated his goal is build consensus between the applicant and the neighbors.

Glenda Peterson, 2902 S. Edwards, stated 75 neighbors have signed the petition in opposition to the conditional use permit and the MAPC's action. Neighborhood concern is focused on quality of life issues and diminishing property values.

Bill Peterson, 2902 S. Edwards, questioned the validity of the DABs when the MAPC can disregard DAB recommendations and believes the City has established a false perception. Citizens respond to the notice of public hearing received from the MAPC and think the matter is over after the meeting, when the meeting attended was for no purpose because the DABs have no authority on the issue.

Gale questioned the MAPC vote, which is why he referred the matter to the Wichita City Council.

Chris Carraher stated that he abstained during the vote on CON2000-00026 and CON2000-00025 because of the gray area of sitting on two quasi-judicial panels reviewing the same matter. **Carraher** explained members of the MAPC view matters from a land-use perspective, while DABs tend to view matters from a neighborhood perspective.

Bonny Johnson-Patrick questioned what defined twenty-percent of the area. **Brian Silcott** stated that for a protest petition to be validated by the MAPD, landowners within a 200 feet radius of the property in question, at least twenty-percent must sign the petition. Failure to achieve twenty-percent results in an invalid petition and the action of the MAPC stands, unless the Council Member of the district in which the property is located refers the matter to the Wichita City Council.

Gale stated that the twenty-percent threshold requires a super-majority vote to approve or override the issuance of a conditional use permit.

Bill Peterson inquired on the composition of the MAPC. **Carraher** responded six of thirteen MAPC members are affiliated with building contractors or real estate development.

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Jerry McGinty inquired on the policy or procedure for relaying the information to the MAPC. **Silcott** stated that a planning memo is prepared the day following on any DAB planning cases. The memo is submitted to the MAPD staff member administering the case in question and is distributed to all MAPC and Wichita City Council Members. **Silcott** stated he would provide DAB members with copies of every planning memo constructed to date.

Glenda Peterson stated that she appreciates efforts of the DAB and **Council Member Gale**.

Neighborhood Agenda

Council Member Gale asked for a report from DAB members on neighborhood happenings.

Iola Crandall, Sunflower Neighborhood and Business Association, reported the guest speaker was Trees for Life and September has speakers from Senior Services and October will be the Chili Feed fund raiser.

Bea Vickers, West High Area (Stanley-Aley) Neighborhood Association, reported she has been monitoring the bond issue oversight committee and expects good things to come from the bond issuance.

Bonny Johnson-Patrick reported that September 23, Southwest Village will hold a picnic in Wildwood Park, it is a fund raiser event.

Chris Carraher reported that he attended a block party at the home of Peggy Bennett and had an enjoyable time.

Council Member Bill Gale reported that he attended five block parties and was very busy during the National Night Out.

Wayne Wells reported four block parties in the Delano Neighborhood including one hosted by he and his wife. Twelve adults and four children attended, as did Community Police Officer R. Baker.

Paul Ward reported that he too hosted a block party. Forty-five to fifty attendees with food, fire trucks, police department cruisers, and even the WPD Mounted Patrol attended. The children were drawn to the mounted unit. Neighbors expressed interest in forming two to three neighborhood watch programs.

Tom Kessler attended his neighborhood block party, which had good turnout and he attended one in Stonebourough, which was very large.

Tony Bamberger, Community Police Officer, reported he attended fifteen block parties, all on his beat, including the event hosted by Paul Ward. August 25, from 8:00 p.m. to 10:00 p.m. will be Cruise Control's next meeting at O'Reilly's Auto Supply on South Seneca. **Bamberger** will be out of town to attend a crime free multi-housing unit seminar in the next two weeks.

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Council Member Gale for further comments, receiving none, the meeting was adjourned at 10:00 p.m.

Respectfully Submitted,
Brian W. Silcott
Neighborhood Assistant

ATTACHMENT A

August 2, 2000

TO: District Advisory Board 4
FROM: Wichita Independent Neighborhoods, Inc.

Not too long ago there were in excess of two dozen halfway houses located throughout our community that were little more than boarding homes for ex-convicts and probationers. Those of us who live in older neighborhoods had more than our share of these facilities and their attending problems of increased burglaries, disorderly conduct, larceny, and worse. Supervision was negligible, constructive programming or rehabilitation was non-existent. Fear and genuine concern for the safety of property and people were tearing at the neighborhoods and promoted the cycle of decay and deterioration.

Though a comprehensive and lengthy process of study, dialogue, cooperation, and consensus building came a proposal to address the issue. The City Council forged a partnership with Sedgwick County, professionals in the criminal justice system, law enforcement, district and municipal courts, the faith community and neighborhood representatives to draft and pass the City Ordinance that created the Alternative Correctional Housing Board. Sedgwick County passed its twin Resolution and joined the City in the effort to effectively regulate these facilities. The result was the implementation of licensing and regulation of facilities that accepted placements from the State Department of Corrections, district and municipal courts. The effect on our community was almost immediate. The full extent of the problem was identified and facilities became better managed and the living conditions of the clients who resided in these facilities improved.

I was honored to serve as the first Chairman of the Regulatory Committee that worked with the Office of Central Inspection to enforce these regulations. I was further privileged to serve as President of the Advisory Board. During my three year tenure on this board I witnessed interagency cooperation and teamwork that was completely void of turf battles, finger pointing, or bureaucratic shadowing that is so often the case when so many agencies are charged with solving so large a problem. Through this cooperation a set of standards for the operation of licensed facilities was adopted. These standards were presented to the providers for review and comment and were thoroughly discussed and debated by the board.

One of the standards proposed and adopted by the board prohibited a client to be employed by the facility in which they reside. This is the provision that the city council is now considering changing to allow employment by the agency in non-supervisory positions. I watched with grave concern as the City Council took seemingly hasty action to accommodate one provider's complaint about the standards adopted by the Alternative Correctional Housing Board. These standards are endorsed by the Kansas Department of Corrections, the law enforcement community, the courts, and other experts from the field of corrections. The provider who is mentioned in the council minutes has made the claim that the standards recommended by the ACH Board might cause them to go out of business. They have made this claim every time there was a ruling by this board that they didn't like. Yet, they are still in business and still contracting to accept clients.

I am here today to urge this District Advisory Board to recommend to the City Council that the proposed amendment adopted on first reading on July 18 be rejected, and that the membership, duties, and responsibilities of the board be left intact.

Nile Dillmore
President
Wichita Independent Neighborhoods, Inc.